



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,855	07/14/2003	Kevin J. Harrington	BS2121-BESE	3326
7590 Kathleen Chapman, Esq. DISHONG LAW OFFICES 40 Bryant Rd. Jaffrey, NH 03452			EXAMINER SAADAT, CAMERON	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/618,855

**Applicant(s)**

HARRINGTON, KEVIN J.

**Examiner**

Cameron Saadat

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/14/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/03, 12/4/03</u>                                          | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The CD filed 7/14/03 cannot be used to submit an IDS listing or copies of the documents cited in the IDS filed 7/14/2003. However, the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS, has been eliminated, unless required by the Office. 37 CFR 1.98(a)(2). Accordingly, the IDS has been considered since the documents listed therein consist of U.S. patents. It is additionally noted that IDS filed 12/4/2003 has been placed in the application file, but the information referred to therein has not been considered since it appears to be a duplicate of IDS filed 7/14/2003.

### ***Drawings***

The drawings are objected to under 37 CFR 1.84 for the following reasons: In Figure 8, the lines, numbers and letters are not uniformly thick and well defined; numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height; and the scale is not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 14-16 rejected under 35 U.S.C. 102(b) as being anticipated by OSHA 3088 “How to Plan for Workplace Emergencies and Evacuations”.**

Art Unit: 3714

Regarding claim 14, OSHA discloses a method for configuring a system for preparing for and managing an incident in a building comprising the steps of: verifying a floor plan for the building; photographing pre-determined locations parts of the building; collecting statistics related to the building; linking the photographs and the statistics to the floor plan (Emergency escape procedures and route assignments, such as floor plans, workplace, maps, and safe or refuge areas, See P. 2); and providing the linked information in a pre-determined format. See Page 2.

Regarding claim 15, OSHA discloses a method wherein the statistics include individuals related to the building. See Page 2, last paragraph.

Regarding claim 16, OSHA discloses a method further comprising the step of selecting the pre-determined format from a group consisting of electronic format and paper format. See P. 12.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3714

**Claims 1-2, 5-11, 13, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez et al. (US 2003/0115076 A1; hereinafter Gomez) in view of Woehl (US 6,574,634).**

Regarding claim 1, Gomez discloses a method for preparing for and responding to a building incident (See ¶ 28) comprising the steps of: collecting a plurality of components of characteristic information about a building and collecting relationship information about the building (See ¶ 31-33). Gomez additionally discloses the feature of creating an interactive multimedia presentation of the collected building characteristic and relationship information, having hypertext links. See ¶ 38-39. Gomez discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of interrelating the plurality of components of the characteristic information through the relationship information to create linked characteristic information. It is noted by the examiner that applicant's specification provides the following description for a *relationship builder*:

Relationship builder 75 determines, through analysis of structure characteristic and relationship database 71 of through user, input how the various building characteristics are related to each other See P. 9, lines 8-10... In this way, when a part of the floor plan, for example a door, is "clicked on", a photograph of the egress, for example, appears. P. 9, lines 13-14.

Accordingly, Woehl teaches a method for allowing a user to create an interactive presentation using html, wherein the user organizes data into bodies of information by interlinking related information and organizing information into a consistent navigational framework, thereby allowing the user to readily customize, organize, and update the data. See Woehl, Col. 3, lines 30-44. Thus, in view of Woehl, it would have been obvious to one of ordinary skill in the art to modify the hypertext links described in Gomez, by allowing a user to create a presentation that interrelates various topics of information, thereby allowing a user to create a consistent navigational framework and allowing the user to readily customize, organize, and update the data of the presentation by topics and corresponding topic links. See Woehl, Col. 3, lines 30-44; Fig 2, topic, topic links.

Art Unit: 3714

Regarding claim 2, Gomez discloses a method further comprising the steps of: limiting access to the linked characteristic information to a set of users; and validating that a potential user is a member of the set of users. See ¶ 45.

Regarding claim 5, Gomez discloses a method further comprising the step of selecting an electronic format. See ¶ 39.

Regarding claim 6, Gomez discloses a method further comprising the step of selecting the electronic format that is available over an electronic network. See ¶ 51.

Regarding claim 7, Gomez discloses a system for preparing for and responding to a building incident (See ¶ 28) comprising: a collector capable of collecting characteristic information and relationship information about a building (See ¶ 31-33). Gomez additionally discloses the feature of creating an interactive multimedia presentation of the collected building characteristic and relationship information, having hypertext links. See ¶ 38-39. Gomez discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of interrelating the plurality of components of the characteristic information using a linkage controller the creates links using relationship information. It is noted by the examiner that applicant's specification provides the following description for a *relationship builder*:

Relationship builder 75 determines, through analysis of structure characteristic and relationship database 71 of through user, input how the various building characteristics are related to each other See P. 9, lines 8-10...In this way, when a part of the floor plan, for example a door, is "clicked on", a photograph of the egress, for example, appears. P. 9, lines 13-14.

Accordingly, Woehl teaches a method for allowing a user to create an interactive presentation using html, wherein the user organizes data into bodies of information by interlinking related information and organizing information into a consistent navigational framework, thereby allowing the user to readily customize, organize, and update the data. See Woehl, Col. 3, lines 30-44. Thus, in view of Woehl, it

Art Unit: 3714

would have been obvious to one of ordinary skill in the art to modify the hypertext links described in Gomez, by allowing a user to create a presentation that interrelates various topics of information, thereby allowing a user to create a consistent navigational framework and allowing the user to readily customize, organize, and update the data of the presentation by topics and corresponding topic links. See Woehl, Col. 3, lines 30-44; Fig 2, topic, topic links.

Regarding claim 8, Gomez discloses a system further comprising an authentication subsystem capable of validating that a potential user is allowed access to the linked characteristic information. See ¶ 45.

Regarding claim 9, Gomez discloses a system wherein the characteristic information is selected from a group consisting of building characteristics and emergency response list. See ¶ 32-33, 38.

Regarding claims 10 and 13, Gomez discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of interrelating the plurality of components of the characteristic information using a linkage controller that creates links using relationship information. It is noted by the examiner that applicant's specification provides the following description for a *relationship builder*: However, Woehl teaches a method for allowing a user to create an interactive presentation using html, wherein the user organizes data into bodies of information by interlinking related information and organizing information into a consistent navigational framework, thereby allowing the user to readily customize, organize, and update the data. See Woehl, Col. 3, lines 30-44. Thus, in view of Woehl, it would have been obvious to one of ordinary skill in the art to modify the hypertext links described in Gomez, by allowing a user to create a presentation that interrelates various topics of information, thereby allowing a user to create a consistent navigational framework and allowing the user to readily customize, organize, and update the data of the presentation by topics and corresponding topic links. See Woehl, Col. 3, lines 30-44; Col. 5, lines 18-22; Fig 2.

Art Unit: 3714

Regarding claim 11, Gomez discloses a system wherein said operations controller comprises: an operator interface capable of receiving requests for characteristic information; a searcher capable of retrieving the requested characteristic information; an information formatter capable of preparing the retrieved requested characteristic information in a pre-determined format; and an information supplier capable of sending the characteristic information to a requester. See ¶ 52.

Regarding claim 17, Gomez discloses a method that is executed on node in a computer network. See ¶ 51.

Regarding claim 18, Gomez discloses a computer readable medium having instructions embodied therein for executing the method. See ¶ 51.

**Claims 3-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez in view of Woehl, further in view of OS HA 3088 "How to Plan for Workplace Emergencies and Evacuations".**

Regarding claims 3-4 and 12, the combination of Gomez and Woehl disclose all of the claimed subject matter with the exception of explicitly disclosing the feature of providing linked contact information for dispatching and notifying contacts that are affected by a building incident. However, OSHA teaches a method for planning for workplace emergencies and evacuations, comprising an updated list of key personnel to notify in the event of an emergency and the use of alarms and emergency communications systems, such as public address system, portable radio unit to notify employees of the emergency and to contact law enforcement and the fire department. See OSHA, P. 3 (How do you alert employees to an emergency?). Thus, in view of OSHA, it would have been obvious to modify the building characteristic information described in the combination of Gomez and Woehl, by providing a contact list to reference in the event of an emergency, in order to notify employees of the emergency and to contact law enforcement and the fire department. It is noted that claim 4 includes the limitation of



Art Unit: 3714

automatically contacting individuals. Although this feature is not explicitly disclosed, the examiner takes official notice that the feature of providing a system to automatically contact law enforcement and fire rescue upon triggering of an incident such as a fire is old and well known. Therefore, it would have been obvious to an artisan to implement the feature of automatically contacting individuals, in order to conserve time in responding to the incident.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Osborne et al. (US 6,589,055) – disclose a method and system for delivering safety training based on specific work-sites.
- Hollingsworth (US 6,157,808) – discloses a computerized employee certification and training system.
- Kouba (US 6,325,631) – discloses a system for presenting instruction and testing as mandated by the Occupational Health and Safety Administration.
- OSHA (2019) “OSHA Publications and Audiovisual Programs” – discloses a training product for workplace emergencies and a product for record-keeping guidelines for occupational injuries.
- OSHA (2254) "Training Requirements in OSHA Standards and Training Guidelines" – discloses a standards and training guidelines for health and safety.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cameron Saadat  
Patent Examiner  
Art Unit 3714  
March 13, 2007